



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JRE
Docket No: 3049-99
24 August 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 29 July 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board rejected your contentions to the effect that you never suffered from epilepsy, had not had any seizures or required anticonvulsant medication since the 1960s. In this regard, it noted that you applied for increased disability benefits from the Veterans Administration on 30 October 1979. In support of your claim, you submitted evidence which indicates you were hospitalized in 1978 because of uncontrolled seizures, and stated that you had taken Dilantin and phenobarbital since 1961. When examined by a VA physician on 15 February 1980, you claimed that you were having two to three seizures per month, and you reported symptoms of typical grand mal seizures. As a result of those reports, your VA disability rating was increased. The Board did not accept your doctor's statement to the effect that you suffered from fainting spells rather than epileptic seizures, because his conclusion was based in large part on apparently false information which you provided him. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be

regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director